

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

IN RE STEC, INC. DERIVATIVE  
LITIGATION

This Document Related To:  
  
ALL ACTIONS

Lead Case No. CV 10-00667-JVS  
(MLGx)

*Consolidated with Case Nos. SACV  
10-00220-JVS & SACV 12-1862 JVS*

**ORDER OF VOLUNTARY  
DISMISSAL OF DEMAND  
FUTILITY CLAIMS WITHOUT  
PREJUDICE**

Judge: Hon. James V. Selna  
Courtroom: 10C


**ORDER**

The Court has received and reviewed the parties' Joint Stipulation of Voluntary Dismissal of Demand Futility Claims Without Prejudice, filed October 16, 2013. Based upon that Joint Stipulation and for good cause shown, IT IS HEREBY ORDERED THAT:

1. In light of the acquisition of sTec by Western Digital on September 12, 2013, the notice requirements of Federal Rule of Civil Procedure Rule 23.1(c) do not apply to this Voluntary Dismissal. *See Daugherty v. Ball*, 43 F.R.D. 329, 334 (C.D. Cal. 1967); *see also Weiss v. SCM Corp.*, 1986 U.S. Dist. LEXIS 23035, \*4 (S.D.N.Y. July 9, 1986); *Sheinberg v. Fluor Corp.*, 91 F.R.D. 74, 74-76 (S.D.N.Y. 1981)).
2. The claims asserted in the Consolidated Verified Shareholder Derivative Complaint For Breach Of Fiduciary Duty; Demand for Jury Trial (the "Consolidated Complaint") (Dkt. No. 30) are hereby DISMISSED, without prejudice pursuant to Federal Rule of Civil Procedure 41(a), with each party to bear their own costs and attorneys' fees.
3. The supplemental claims asserted by the Demand Made Plaintiff are not affected by this Order.

**IT IS SO ORDERED.**

DATED: October 17, 2013

  
\_\_\_\_\_  
THE HONORABLE JAMES V. SELNA  
UNITED STATES DISTRICT JUDGE